

MEETING MINUTES

STATE PUBLIC DEFENSE COMMISSION

Date | time 9/19/2016 9:00 AM | *Location* PDC Office, 816 W. Bannock Street, Suite 201, Boise, ID 83702

Meeting: Local Share Discussion (Conference Call)

Commission members present

Darrell Bolz, Chair, Juvenile Justice Comm. | Eric Fredericksen, SAPD | Chuck Winder, Senator | William Wellman, Defense Attorney | Linda Copple Trout, Representative of the Courts

Kimberly Simmons, Executive Director | Kelly Jennings, Deputy Director
Nichole Devaney, Admin. Asst.

Commission members absent

Christy Perry, Vice Chair, Representative |

Others present

Item	Responsible
1. Welcome and Call to Order: Chair Bolz called the meeting to order at 9:06am	Bolz
2. Local Share Calculation: ED Simmons summarized how the memo came about. Expressing that the way in which the calculations were determined is not in question. Rather, the issue in question is which fiscal year the commission intended the grant awards to be based upon. Wellman, asked how the commission could know what the counties FY2016 expenses are if the year hasn't been completed yet. ED Simmons responded that the local share amount would not be a direct reflection of FY2016 expenses. The statute reads that the first three years of the proceeding five. Wellman stated that in previous discussions the key word was "Preceding". Explaining that it can't be proceeding if it has not occurred. ED Simmons responded that yes that is correct but the way in which the statute reads you would not need the total expenses for FY2016 because that portion is not a part of the median determination when issuing awards for FY2017. The proceeding five years for FY2017 are FY2016, 2015, 2014, 2013 and 2012. Thus because it is not completed isn't really an issue since it is not part of the calculation. Fredericksen shared that he felt it can be read both ways but if the legislature and Mr. Hoskins had one interpretation, he tends to lead that direction. Trout commented that she shared the same feeling. Especially considering it provides additional money for the counties. If that was the legislatures intent and the commission has the money available, then she feels the commission should go that route. Wellman said he agreed and he would be in favor of a motion. Wellman then motioned to issue grant wards based on FY2017 calculations. Senator Winder seconded, and a roll call vote was taken as follows:	Simmons

Winder Yes
 Fredericksen Yes
 Trout Yes
 Wellman Yes
 Chair Bolz Yes

Chair Bolz asked that ED Simmons go back and calculate the amounts. She shared that she had already done so and would forward the amounts along with letters explaining the decision to amend the awards. Wellman asked if when the commission goes to review the next set of grant applications for FY2018 they will be reviewing the median for FY2013, FY2014 and FY2015. ED Simmons responded yes that was correct.

Wellman moved to increase the grant awards totaling \$132,528 as indicated in the attached memo. Winder seconded and the members voted as follows:

Winder Yes
 Fredericksen Yes
 Trout Yes
 Wellman Yes
 Chair Bolz Yes

3. **Testimony in Renfro Case:** Fredericksen recused himself from the discussion. Trout Simmons shared her concerns regarding the testimony. Explaining that so long as the Kootenai County Public Defender Office is paying the cost of travel, and ED Simmons is being asked to represent the Commission, testifying as to what the commission has accomplished and how this impacts the counties. She is fine with the testimony. However, if the intent is to have a position on a criminal case. She is not comfortable with that. ED Simmons shared that she met with John Adams the prior week. Explaining he would like her to talk about the caseload numbers provided in the grant application. In addition, testify that should the case be conflicted out that it will not save the county money. Wellman asked how she would know that. ED Simmons stated that she can speak about what the caseloads are in the grant application but it would be limited and she would have to look at the conflict contracts to determine possible cost. She stated that the focus will be on the fact that they don't have the resources to provide the most effective council because of their caseloads. Bolz shared that he had the same feeling as Trout, and this case should be covered under the Capital Crimes Defense Funds. Wellman, expressed that this could open the flood gate should the commission testify on his behalf. ED Simmons responded that she feels Mr. Adams may be disappointed with her testimony. He will be asking her about the grant application information, and the work of the public defense commission but that he also would like to present her as an expert witness in Public Defense. Trout stated that was her concern and ED Simmons will need to keep her testimony about the work of the commission. Wellman asked if Mr. Adams had given her an outline of what he would like her to testify about. She responded no, not to any extent, but that they had a conversation that was limited to the caseload numbers. Wellman stated that he believes Trout's concerns are valid. However, they understand that she is being subpoenaed and they trust ED Simmons to provide a commission focused testimony. ED Simmons responded that she

Item	Responsible
will not provide any speculation on hypothetical situations, and if asked to do so, it would be clear that it was simply her opinion.	
4. Future Meeting Schedule: October 4, 2016 at 1:00pm.	
5. Next Meeting Location: PDC Office - 816 W. Bannock Street, Suite 201, Boise, ID 83702	
6. Agenda Items for Next Meeting: No items were discussed	
7. Adjournment: Wellman motioned to adjourn, Winder seconded and the members unanimously agreed. The meeting adjourned at 9:45am.	Bolz

Attachments:

Local Share Calculation Memo
Renfro Brief Summary